

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

PATENT APPLICATION

ATTORNEY DOCKET NO. 10016615-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): JOHNSON, Leith

Confirmation No.: 8105

Application No.: 10/017,371

Examiner: Sheng Jen Tsai

Filing Date: December 7, 2001

Group Art Unit: 2186

Title: Virtualized Resources in a Partitionable Server

Mail Stop Appeal Brief - Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF REPLY BRIEF

Transmitted herewith is the Reply Brief with respect to the Examiner's Answer mailed on January 7, 2008 .

This Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date of the Examiner's Answer.

(Note: Extensions of time are not allowed under 37 CFR 1.136(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new ground rejection.)

No fee is required for filing of this Reply Brief.

If any fees are required please charge Deposit Account 08-2025.

Respectfully submitted,

JOHNSON, Leith

By: /Robert Plotkin/

Robert Plotkin, Esq

Attorney/Agent for Applicant(s)

Reg No. : 43,861

Date : March 4, 2008

Telephone : 978-318-9914

ATTORNEY'S DOCKET NO: 10016615-1

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Applicant: Leith Johnson
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APPELLANTS' REPLY BRIEF ON APPEAL

This is a Reply Brief in response to the Examiner's Answer mailed January 7, 2008 in an appeal pursuant to 35 U.S.C. § 134 from the Examiner's decision rejecting claims 1-5, 8-11, 14-21, and 28-29 as set forth in the Final Office Action of March 5, 2007.

The single ground of rejection for review is the rejection of claims 1-5, 8-11, 14-21, and 28-29 under 35 U.S.C. § 102(b) as being anticipated by Vishin et al. (U.S. Pat. No. 5,860,146).

As argued in Applicant's appeal brief, Vishin does not, however, disclose "providing, to an operating system . . . , an interface for the operating system to access . . . the plurality of machine resources using the plurality of physical resource

identifiers," as expressly recited by claim 1. Vishin fails to disclose an express element of claim 1. Claim 1, therefore, patentably distinguishes over Vishin.

In support of this limitation, the Examiner's Answer points to FIG. 9 of Vishin. FIG. 9, however, does not disclose the relevant claim limitation. For example, FIG. 9 does not specify that the operating system 180 uses "physical resource identifiers" (which the Examiner asserts are remote page table entries (RPTEs) in the remote translation lookaside buffer (RTLBI) 160) to access memory locations, as expressly required by claim 1. More generally, FIG. 9 does not disclose that the memory controller 112 provides an *interface to the operating system 180* through which the operating system 180 may access the memory locations using physical resource identifiers.

In fact, Vishin discloses that the operating system 180 plays an active role in directly managing the contents of the RTLBI 160, which distinguishes the RTLBI 160 from a mere interface provided to the operating system 180. For example, Vishin expressly states that "the contents of the RTLBI are controlled by the operating system 180 of the associated processors 104 [T]he operating system updates the contents of the RTLBI" (col. 5, lines 39-46). In other words, Vishin discloses that the operating system actively manages the contents of the RTLBI. As a result, the RTLBI is not merely an *interface* provided to the operating system 180, since the

operating system 180 interacts directly with and modifies the internal structure of the RTLB.

Furthermore, although the Office Action points to col. 5, lines 33-59 of Vishin, this passage merely states that remote translation lookaside buffer (RTLB) 160 is organized into groups of entries, and that "it is the responsibility of the operating system 180 . . . to make sure that the RPTes in different groups do not have overlapping address ranges." The fact that the operating system 180 manages the organization of the contents of the RTLB does not indicate or imply that the operating system itself accesses machine resources using physical resource identifiers.

In summary, Vishin fails to disclose an express element of claim 1, namely, "providing, to an operating system . . . , an interface for the operating system to access . . . the plurality of machine resources using the plurality of physical resource identifiers." Claim 1, therefore, patentably distinguishes over Vishin.

Claims 2-5 depend from claim 1 and therefore patentably distinguish over Vishin for at least the same reasons.

Claim 8 includes substantially the same relevant limitations as claim 1 and therefore patentably distinguishes over Vishin for at least the same reasons. Claims 9-11 and 28 depend from claim 8 and

therefore patentably distinguish over Vishin for at least the same reasons.

Claims 14 and 18 include substantially the same relevant limitations as claim 1 and therefore patentably distinguish over Vishin for at least the same reasons. Claims 15-17, 19-21, and 29 depend from claims 14 and 18, respectively, and therefore patentably distinguish over Vishin for at least the same reasons.

CONCLUSIONS

The Examiner's rejections of claims 1-5, 8-11, 14-21, and 28-29 should be reversed for the reasons stated above.

If this Brief is not considered timely filed and if a request for extension of time is otherwise absent, applicant hereby requests any extension of time. Please charge any fees or make any credits, to Deposit Account No. 08-2025.

Respectfully submitted,

/Robert Plotkin/

Robert Plotkin, Esq.

Reg. No. 43,861

March 4, 2008

Date

Robert Plotkin, P.C.
91 Main Street, Suite 204
Concord, MA 01742-2527
Tel: (978) 318-9914
Fax: (978) 318-9060